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V. *Extracts from the Peking Gazettes, translated by JOHN FRANCIS DAVIS, Esq., M.R.A.S.*

Read December 1, 1827.

I. *Concerning Cases of Homicide.*

Leaou-tun-hing, inspector-general of *Keang-nan* province, presents an address to point out the expediency of early inquests in cases of homicide.

Amidst the great number and variety of imprisonments on criminal accusations, the most important are those which relate to the privation of life. Entering into a conspiracy to kill; killing with malicious intention; killing in an affray; causing death by driving a person to desperation; and killing by culpable negligence, constitute the *real* or proper cases. The cases of *false* imprisonment for homicide are where wounds are inflicted after death, to be made the grounds of a *false* accusation; and where the body is consumed or made away with for the same purpose. In all cases the most speedy investigation is of great importance, since from the nature of the wounds or hurts much evidence may be gathered with respect to the intention or disposition of the person that inflicted them; and from their old or new appearance, an inference may be drawn regarding the truth or falsehood of the accusation. Whenever the district magistrates met with a case of homicide, did they, in every instance, proceed without delay to the inquest of the body, while the wounds or hurts were yet fresh and unchanged, they might with more ease and certainty elicit the truth; at the same time that the guilty persons, being confronted at once with the magistrate before they had time to collect themselves, would be more likely, through fright, to betray their offence. Hence it may be deduced, that early inquests are the best key to the elucidation of homicides. But the magistrates of districts, bearing on their shoulders the responsibility attached to such cases, appear always desirous to suppress them. As soon as a report or accusation is made, they purposely contrive delays, instead of proceeding immediately in person to the inquest, or they

perhaps send a clerk into the town or village to compel the guilty person, by the agency of money, to make it up with the relations of the deceased, where it happens that these are very poor and needy. Again, the clerks will sometimes frighten the deceased's relations into quiet submission, which enables the magistrate to suppress the trial.* When it happens that the relations will not consent to an accommodation, and the magistrates are left without a choice, they then proceed to an inquest, after many days' delay; and when it happens that the weather is hot, the body becomes so changed as to admit of no true inferences with respect to the cause of death. Again, when the investigation is deferred, the criminal entertains hopes of escape: he pleads guilty to a minor offence to escape the penalties of a heavier; he bribes the official scrutineers (*Woo-tso*) to slur over the worst appearances of the body; or he buys over the witnesses to support his own statement. Those who conduct the trial are deceived by him, and come to a wrong decision; while the relations of the deceased, wearied with vain endeavours, present an accusation to the higher powers, and a commission is sent to retry the case: but by this time there is little left of the body but the bones, and when these are subjected to the prescribed test by boiling, the hurts which extended to the bones may be ascertained; but the others, as those which might be caused by strangling or poison, it is impossible to prove. Thus, perhaps, the matter is protracted to a whole year, and at

* One very particular feature of the Chinese law of homicide (and certainly a very improper one) is, that it seems instituted, not more for the satisfaction of public justice or the prevention of crime, than for the gratification of private revenge; nay it even goes so far, in some particular cases, as to encourage and justify a principle so subversive of the welfare of society, by awarding a very mitigated punishment to the *deliberate murder* of any person, in revenge for the death of a father or mother, and even of some inferior relations (Leu-Lee, sect. cccxxiii, page 352, of Sir G. T. Staunton's Penal Code of China). In most Chinese trials for homicide, it is evident that the relations are the *real prosecutors*: although among us it is treated purely as an offence against the public. To this antiquated error in legislation, the considering murder as a *private wrong*, and the possibility of compromising so great an offence against society by a bribe to the relations of the deceased, may be attributed many of the evils complained of in the above paper. We may learn from this, and indeed from the actual experience of the past, to recognize the spirit in which cases of homicide are prosecuted against Europeans at Canton. In nearly every instance where the point has been vehemently or obstinately urged, the *relations* have spurred on the local government by threats of an appeal to Peking if their revenge remained unsatisfied; and we may rest assured, that an adequate compromise in money, if offered in time, would almost always be successful, though the policy and propriety of such a measure in many cases might very fairly be questioned.

length it becomes a very serious case. If the cause of this be sought, it will be found to consist in "the neglect of an early inquest." Thus, in the instance of the trial at *Tü-tsing Hœen** in *Chë-keang* province, where the woman *Seu-ne-she* was found to have strangled the woman *Seu-tsae-she*, had the *Che-Hœen* proceeded immediately to the inquest, the truth might have been elicited at once, without the necessity of repeated trials.

The object of this address is to intreat your Majesty to command the viceroy and governor of every province to provide for a speedy inquest in every case of homicide; and if there is any attempt to delay or suppress matters on the part of the magistrates, to recommend their immediate dismissal. Those magistrates will thus be put upon their guard for the future; bad practices will be restrained, and imprisonments on accusations of homicide diminished in number.

II. Scarcity of Grain in *Füh-kœen* province to be supplied from *Chë-keang*, by Sea.

SUN-URH-CHUN (viceroy of *Füh-kœen* and *Chë-keang*) has recommended a temporary relaxation of the restrictions on the coasting trade, and the holding out of encouragement to merchants to import grain from *Chë-keang* by sea.† In the past year, the harvest of rice in *Füh-kœen* province has been so bad as to raise the price of grain to an unusual height. The said viceroy states that the harvest in *Chë-keang* has been comparatively plentiful, and the coasting navigation affords such facilities for transmission, that he recommends some relaxation of the restrictions upon it, as an encouragement to merchants to supply the wants of the people. Let this be done, according to his recommendation, and let the treasurer of *Füh-kœen* hold out encouragement to the merchants of *Füh-chow-foo*‡ (the capital) and its dependen-

* When the *Gan-cha-sze*, or judge, strangled himself in a fit of perplexity and despair.

† It being the policy of the Chinese government to restrict the intercourse of one province with another, as well as with the most distant parts of the empire, almost entirely to inland navigation, a reference to the map will immediately shew that the inland trade between *Füh-Kœen* and *Chë-Keang* is impeded by lofty mountains, where the rivers take their source, and where consequently they are unnavigable. The plenty of the one province, therefore, in such a bulky commodity as grain, cannot easily supply the scarcity of the other, except by sea.

‡ Recommended in Mr. Ball's pamphlet as the best seat of European trade.

cies, to proceed to *Chĕ-keang* with proper licenses, and import grain by sea. Let CHING-HAN-CHANG (governor of *Chĕ-keang*) make known to the merchants of his province, that, if they wish to transmit grain to *Fŭh-k  n*, they may receive permits from the treasurer for that purpose. Let them be allowed, after proper inspection, to proceed through the several sea-ports, without detention or hindrance. When the price of grain in *Fŭh-k  n* shall have sunk to its usual level, let the customary restrictions be resumed. The viceroy must see that the above is carried properly into effect, and that subsistence for the people is immediately and fully supplied.

Khin-tsze.